



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE - 10<sup>TH</sup> FL.  
NEW YORK NY 10151

**COPY MAILED**

**DEC 23 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Douglas T. Dieterich :  
Application No. 09/862,404 :  
Filed: May 21, 2001 :  
Attorney Docket No. 144002-2001 :

**ON PETITION**

This is a decision on the petition, filed December 7, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee. This application issued into Patent No. 6,833,351 on December 21, 2004.

The petition is **DISMISSED** as moot.

Unfortunately, the petition reached the appropriate official for decision after the patent issued on the above-identified application.<sup>1</sup> The inconvenience caused petitioner in this matter is sincerely regretted.

The information disclosure statement (IDS) has been placed in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

The Request for Continued Examination (RCE) submitted with the petition is not effective and will not be entered since the petition to withdraw from issue is dismissed.

Petitioner is reminded that petitions to withdraw from issue should either be faxed to the Office of Petitions at (571) 273-0025 or hand carried to Madison Bldg. West, 600 Dulany St. Alexandria Va 22314.

Petitioner's attention is directed to 37 CFR 1.313(d), which states: A petition under this section [37 CFR 1.313(c)] will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials before the date of issue."

---


<sup>1</sup> The instant petition was received in the Office of Petitions, on December 22, 2004, after issuance of the instant application into a patent.

Application No. 09/862,404  
Patent No. 6,833,351

-2-

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This patented file is being referred to Files Repository.

  
Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy